

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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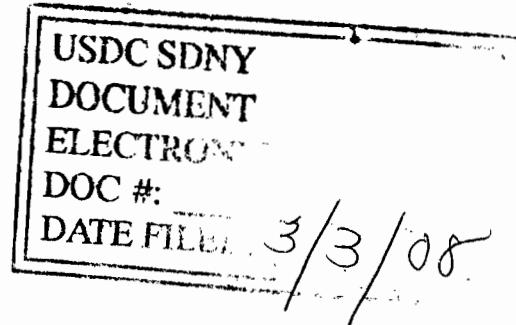
SMITH PERCINTHE,**Plaintiff,****ORDER****- against -****08 Civ. 893 (SAS)****PAUL E. JULIEN, et al.,****Defendants.**

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SHIRA A. SCHEINDLIN, U.S.D.J.:

A review of the Court records indicates that the complaint in this action was filed on January 25, 2008, and that there is no proof of service of the summons and complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice, as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

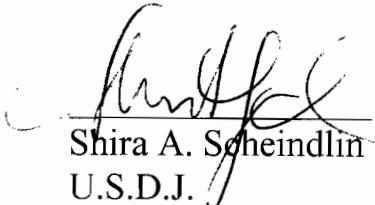
The plaintiff is directed to have the summons and complaint promptly served on the defendants by filling out and forwarding to the U.S. Marshal the forms provided to plaintiff by the Pro Se office. If service is not made upon the defendants or plaintiff fails to show good cause why such service has not been effected by May



30, 2008, the Court will dismiss the action.

The Pro Se Clerk at the United States Courthouse, 500 Pearl Street, New York, New York 10007, telephone number (212) 805-0175, may be of assistance in connection with court procedures but cannot give legal advice.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
March 3, 2008

- Appearances -

Plaintiff (Pro Se):

Smith Percinthe
03-A-3595
Oneida Correctional Facility
P.O. Box 4580
6100 School Road
Rome, NY 13442

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCHEDULING ORDER

Plaintiff, :
-----X

Civ. (SAS)

- against - :
-----X

Conference Date:
-----X

Defendant(s). :
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SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on (the "Order); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
- (2) a concise statement of the issues as they then appear;
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
 - (b) a schedule for the production of documents;
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
 - (d) time when discovery is to be completed;
 - (e) the date by which plaintiff will supply its pre-trial order matters to defendant;

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

(7) anticipated length of trial and whether to court or jury;

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.